

WEST VALLEY CITY, UTAH

RESOLUTION NO. 08-254

**A RESOLUTION AUTHORIZING THE CITY TO ENTER
INTO A STORM WATER DRAINAGE REIMBURSEMENT
AGREEMENT WITH DEAN L. AND BONNIE B. SMITH
FOR STORM DRAINAGE IMPROVEMENTS.**

WHEREAS, Dean L. & Bonnie B. Smith ("Smith") are currently developing a project known as D&G Scale located at approximately 2602 South 3200 West; and

WHEREAS, Smith has provided certain storm water drainage improvements to the City's storm water drainage system in excess of those necessary to provide for adequate storm water drainage for the project; and

WHEREAS, Section 8-2-103(3) West Valley City Municipal Code, provides that the City may reimburse developers for the cost of constructing qualifying improvements to the City's storm water drainage system to the extent that those costs exceed the cost that the developer is obligated to expend under City Ordinances and state law for storm water drainage improvements; and

WHEREAS, the parties desire to enter into an Agreement by which the City will reimburse Smith for certain improvements to the storm water drainage system that are in excess of Smith's obligations.

WHEREAS, an Agreement has been prepared for execution by and between the City and Smith. A copy of said Agreement is attached hereto and entitled "West Valley City Storm Water Drainage Reimbursement Agreement." This Agreement sets forth the rights, duties, and obligations of each of the parties thereto; and

WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is in the best interest of the health, safety, and welfare of the citizens of West Valley City to approve said agreement.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of West Valley City, Utah, that the agreement entitled "West Valley City Storm Water Drainage Reimbursement Agreement" is hereby approved and the Mayor is hereby authorized to execute said document for and in behalf of West Valley City, subject to approval of the final form of the document by the City Manager and the City Attorney's Office.

PASSED, APPROVED, and MADE EFFECTIVE this _____ day of _____, 2008.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER